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AF

**NOTICE OF APPEAL FROM THE EXAMINER TO
THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Docket Number (Optional)
AUZ-001 P

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on 6/6/2005.

Signature

Typed or printed
Name Wesley L. Austin

In re Application of
David M. Austin et al.

Application Number
09/491,727

Filed
January 27, 2000

For
**DETECTION OF OBSERVER PROGRAMS AND
COUNTERMEASURES AGAINST OBSERVER
PROGRAMS**

Group Art Unit
2131

Examiner
Syed Zia

06/10/2005 MWOLDGE1 00000030 09491727

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Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 1.17(b))

\$ 500.00.

☒ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is:

\$ 250.00.

☒ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Commissioner has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.

☐ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 13-0763. I have enclosed a duplicate copy of this sheet.

☐ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☒ attorney or agent of record.
Registration number: 42,273

☐ attorney or agent acting under 37 CFR 1.34(a).
Registration number if acting under 37 CFR 1.34(a).___

Wesley L. Austin
Signature

Wesley L. Austin
Typed or printed name

(801) 537-1700
Telephone number

June 6, 2005
Date

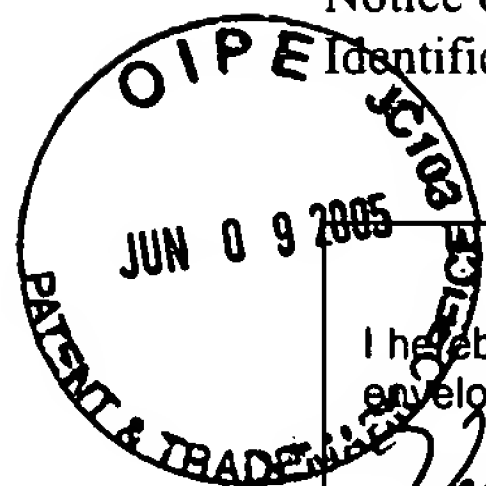
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐ *Total of ___ forms are submitted.

This collection of information is required by 37 CFR 1.191. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you are required to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing this form, call 1-800-PTO-9199 and selection option 2.

Appl. No. 09/491,727
Notice of Appeal dated June 6, 2005
Identification of Appealed Claims



CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on June 6, 2005.

Wesley J. Foster
Attorney for Applicant(s)

PATENT APPLICATION
Docket No. AUZ-001 P

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):	David M. Austin et al.)	
Serial No.:	09/491,727)	
Filed:	January 27, 2000)	
For:	DETECTION OF OBSERVER PROGRAMS AND COUNTERMEASURES AGAINST OBSERVER PROGRAMS)	Group Art Unit: 2131
Examiner:	Syed Zia)	

NOTICE OF APPEAL – IDENTIFICATION OF APPEALED CLAIMS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

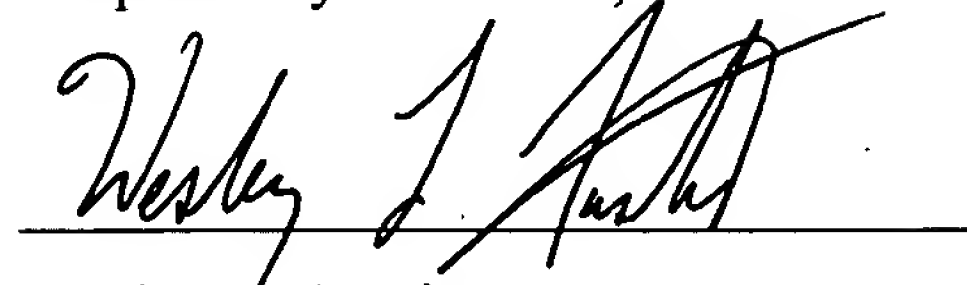
Dear Sir:

A Notice of Appeal to the Board of Patent Appeals and Interferences for review of the Examiner's final rejection of claims 1-32 in the Office Action mailed April 21, 2005 is included with this correspondence. With this document, Applicants identify that claims 1-32 are being appealed.

If there are any issues that may be clarified by telephone, the Examiner is requested to call the undersigned.

Appl. No. 09/491,727
Notice of Appeal dated June 6, 2005
Identification of Appealed Claims

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Wesley L. Austin", is written over a horizontal line.

Wesley L. Austin
Reg. No. 42,273
Attorney for Applicant

Date: June 6, 2005

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